



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF APPEALS AND INTERFERENCES

Applicant: Guo, Fangjiang Atty. Docket: 88164.000002
Serial No.: 10/062,957 Examiner: Griles, Bethany L.
Filed: January 31, 2002 Art Unit: 3643
Title: SYSTEM FOR THE PRESENTATION OF ANIMALS TO BE MILKED AND
METHOD

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests the reinstatement of the Appeal of the final rejection dated December 24, 2003 of Claims 32-41 (designated Group IV in the examiner's requirement for restriction dated August 25, 2004) and also, provisionally, of Claims 12-21 (designated Group II), Claims 22-31 (designated Group III) and Claims 42-51 (designated Group V).

All claims identified above have been twice rejected and the rejection appealed (see attached Notice of Appeal dated March 22 2004). Subsequent to the filing of an Appeal Brief, prosecution was reopened and the claims made subject to a five-way restriction. Pursuant to that requirement for restriction, Applicant has selected to prosecute in this case the claims of group IV (Claims 32-41) with traverse as to the claims of Groups II (Claims 12-21), Group III (Claims 22-31) and Group V (Claims 42-51). Accordingly, the request is made to reinstate the Appeal with respect to the elected claims of Group IV (Claims 32-

41) at to provisionally reinstate the Appeal of the claims of Groups II, III and V dependent upon the outcome of Applicant's traverse.

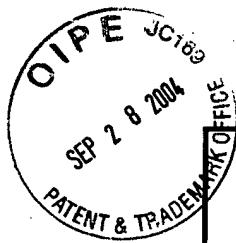
Applicant believes that no fee is required for this Notice of Appeal as the claims subject to the appeal are the same as those subject to the prior appeal filed March 22, 2004.

Respectfully submitted,



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Dated: September 24, 2004



**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
88164.000002

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 23 March 2004

Signature Carol Austin

Typed or printed name Carol Austin

In re Application of
Guo, Fangjiang

Application Number
10/062,957 Filed
January 31, 2002

For
SYSTEM FOR THE PRESENTATION OF
ANIMALS TO BE MILKED AND METHOD

Art Unit
3643 Examiner
Griles, Bethany L.

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 165.00

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

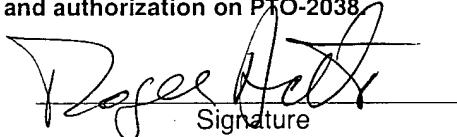
The Director is hereby authorized to charge any additional fees relating to this Notice of Appeal that may be required or credit any overpayment to Deposit Account No. 03-3875. A duplicate copy of this sheet is enclosed.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

I am the

applicant/inventor.
 assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
 attorney or agent of record.
 attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 24,0554



Signature

Roger Aceto

Typed or printed name

585-231-1118

Telephone number

March 22, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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